

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

HAROLD JOHNSON,

Civil No. 04-2636 (JRT/FLN)

Plaintiff,

v.

ORDER

CITY OF MINNEAPOLIS, JESSIE GARCIA, III,
STEVEN PARSHALL, PATRICIA NELSON,
AND TROY WALKER,

Defendants.

Bruce Rivers, **RIVERS & ASSOCIATES**, 100 North Sixth Street, Suite 280B,
Minneapolis, Minnesota 55403, for plaintiff.

C. Lynne Fundingsland, **OFFICE OF THE MINNEAPOLIS CITY
ATTORNEY**, 333 South Seventh Street, Suite 300, Minneapolis, Minnesota
55402, for defendant.

This matter is before the court on a Report and Recommendation from Magistrate
Judge Arthur J. Boylan dated January 4, 2006. There being no objections filed to Magistrate
Judge Boylan's Report and Recommendation,

THE COURT HEREBY ORDERS THAT,

1. Defendants' motion for summary judgment on Plaintiff's claim for
"unreasonable seizure – arrest without probable cause," the motion is
granted;
2. Defendants' motion for summary judgment on Plaintiff's claim of excessive
force against Defendant Walker, the motion is **denied**;
3. Defendants' motion for summary judgment on Plaintiff's claim that the City
is liable for the failure to train, supervise and discipline, the motion is

granted;

4. Defendants' motion for summary judgment on Plaintiff's claim of battery, the motion is **denied**;
5. Defendants' motion for summary judgment on Plaintiff's claim of assault, the motion is **denied**;
6. Defendants' motion for summary judgment on Plaintiff's state claim of false arrest, the motion is **granted**;
7. Defendants' motion for summary judgment on Plaintiff's claim of intentional infliction of emotional distress, the motion is **granted**;
8. Defendants' motion for summary judgment on Plaintiff's claim on the City's vicarious liability, the motion is **denied**;
9. Defendants' motion for summary judgment on Plaintiff's state claim of negligent training and supervision, the motion is **granted**.

THIS CASE WILL BE PLACED ON THE COURT'S NEXT AVAILABLE TRIAL CALENDAR.

Dated: January 24, 2006
at Minneapolis, Minnesota.

s/John R. Tunheim

JOHN R. TUNHEIM
United States District Judge